

1 **FEDERAL AGENCY REGULATORY REVIEW AMENDMENTS**
2 2024 GENERAL SESSION
3 STATE OF UTAH
4 **Chief Sponsor: Casey Snider**
5 Senate Sponsor: Scott D. Sandall

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7 **LONG TITLE**

8 **General Description:**

9 This bill addresses state agency review of federal regulations.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▸ defines terms;
- 13 ▸ requires certain state agencies to identify federal regulations impacted by the judicial
14 doctrine of Chevron deference;
- 15 ▸ requires certain state agencies to report all federal regulations impacted by Chevron
16 deference to the Office of the Attorney General; and
- 17 ▸ addresses a potential United States Supreme Court decision overturning the judicial
18 doctrine of Chevron deference and the bringing of litigation by the attorney general in regard
19 to federal regulations impacted by Chevron deference.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 ENACTS:

26 **63C-4a-406**, Utah Code Annotated 1953

27 REPEALS:

63C-4a-401, as enacted by Laws of Utah 2013, Chapter 101

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **63C-4a-406** is enacted to read:

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Part 4. Constitutional Defense Litigation

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63C-4a-406 . Challenges to federal regulations -- Chevron deference.

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(1) As used in this part:

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(a) "Chevron deference" means deference given to a federal agency's interpretation of a federal statute by a court because the court determined that:

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(i) the federal statute is ambiguous; and

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(ii) the federal agency's interpretation is based on a reasonable interpretation of the statute.

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(b) "Federal agency" means an agency, bureau, board, commission, council, department, office, or other instrumentality of the executive branch of the United States government.

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(c) "Federal regulation" means a regulation adopted by a federal agency and published in the Code of Federal Regulations or the Federal Register.

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(d) "State agency" means:

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(i) the Department of Environmental Quality;

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(ii) the Department of Agriculture and Food; and

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(iii) the Department of Natural Resources.

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(2) On or before January 1, 2025, each state agency shall:

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(a) identify any federal regulation impacting that state agency for which:

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(i) a federal agency issued the federal regulation to implement a federal statute; and

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(ii) the federal agency received Chevron deference in the agency's interpretation of the federal statute; and

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(b) report any federal regulation identified under Subsection (2)(a) to the Office of the Attorney General.

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(3) The attorney general may file suit on behalf of the state challenging any federal regulation impacted by Chevron deference if:

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(a) before July 1, 2025, the United States Supreme Court:

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(i) holds that a court may not give Chevron deference to a federal agency's interpretation of a federal statute; or

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(ii) limits the deference that a court may give a federal agency's interpretation of a federal statute; and

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(b) the attorney general determines that the state can successfully challenge the federal regulation.

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61 (4) On or before July 1, 2025, the attorney general shall report to the Federalism
62 Commission regarding any suit that the attorney general files, or intends to file, on
63 behalf of the state under Subsection (3).

64 Section 2. **Repealer.**

65 This bill repeals:

66 Section **63C-4a-401, Title.**

67 Section 3. **Effective date.**

68 This bill takes effect on May 1, 2024.